

DEC 12 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PEDRO PENA,

a.k.a. Seal, a.k.a. Dizzy,

Defendant - Appellant.

No. 08-50059

D.C. No. CR-07-847-CAS

MEMORANDUM \*

Appeal from the United States District Court  
for the Central District of California  
Christina A. Snyder, District Judge, Presiding

Submitted December 1, 2008\*\*

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See*

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

08-50059

*United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). This court has rejected the argument that the supervised release condition to self-report violates a defendant's Fifth Amendment rights. *See United States v. Rodriguez-Rodriguez*, 441 F.3d 767 (9th Cir. 2006). Accordingly, the motion for summary affirmance is granted.

We summarily affirm the district court's judgment.

**AFFIRMED.**